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**ZONING BOARD OF APPEALS  
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING  
100 MAPLE AVENUE  
SHREWSBURY, MASSACHUSETTS 01545-5398**

October 14, 2003

PUBLIC HEARING: Kevin Brenner, 14 Melody Lane, Shrewsbury, MA.

PURPOSE: To hear the appeal of Kevin Brenner, 14 Melody Lane, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 14 Melody Lane maintaining the existing front and side yard setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 34 as Plot 62.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. George: Please make your presentation.

Mr. Brenner: Yes. I just want to put a second story on my house. I'm not going out towards the street, at all. It's just going to go straight up on the existing structure. The house has been there for 50 years.

Mr. George: Do you have any plans with you?

Mr. Brenner: Yes. Can I show you the plans?

Mr. George: Yes.

(Mr. Brenner showed the plans to the board.)

Ms. Murphy: Is it the same footprint?

Mr. George: Yes. It's just going up.

Mr. Brenner: Yes. I'm just going straight up. I'm not going to go out.

Mr. Gordon: You're not going to go up over the little section?

Mr. Brenner: No.

Mr. George: You're not changing any grades on the lot?

Mr. Brenner: No.

Mr. George: Are there any questions from the board? Does anyone in the audience have any questions on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

#### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Kevin Brenner, 14 Melody Lane, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 14 Melody Lane maintaining the existing front and side yard setbacks of said property.

The board reviewed the appellant's proposal to construct a second story addition over a portion of his home, which would maintain its existing setback from Melody Lane, and found the vertical extension of this structure would not materially alter its nonconforming features. They noted that there is an extensive grassplot between the traveled edge of Melody Lane and the front property line which gives the appearance of a greater front yard setback than what technically exists and felt that, in this instance, the construction of the proposed addition would not adversely impact the welfare of area residents. Furthermore, it was their opinion that the completed structure would aesthetically enhance Mr. Brenner's property and would not conflict with the general character of other homes within this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

#### Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Ms. Murphy	Yes
Mr. L'Ecuyer	Yes

October 14, 2003

PUBLIC HEARING: Paul Ottaviano, 87 Colonial Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Paul Ottaviano, 87 Colonial Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 87 Colonial Drive maintaining the existing front yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 2 as Plot 7-63.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. George: Just state your name for the record.

Mr. Ottaviano: Paul Ottaviano. Basically, I'm looking to put an addition on the front left side of the house. The house is a 250 year old house. Basically, the property line has been drawn around it after the house was built when the lot clearing was done for the subdivision.

Mr. Alarie: Actually, it was after 290 was laid out and constructed.

Mr. Ottaviano: Is that when it was done? Okay, I wasn't sure if it was done when Mr. Polito subdivided it. One corner of the house, as you can see, is already within 7 ft. of the property. I'm looking for working the other corner not coming any closer than that. But, I do want to get out 3 extra feet from this front end of the house sitting on an angle on the front door.

Mr. L'Ecuyer: So, this is the addition right here?

Mr. Ottaviano: Yes, this is the addition right here.

Mr. George: This is the addition right here?

Mr. Ottaviano: This is the addition right here. The corner of the house is already within 7 ft. Just going off at an angle, I just want to come out an extra 3 ft. here and maintain my 20 ft. on the side.

Mr. Rosen: Can I see that?

Mr. George: So, is this going to be the addition part, right here.

Mr. Ottaviano: Yes.

Mr. Gordon: Is the street public where you are?

Mr. Ottaviano: Yes, it is. I've got to believe that, at one time, the street was actually the driveway to the house.

Mr. Gordon: I could believe that too.

Mr. Ottaviano: That was before everything got put in. There is a sewer pumping station after my house and all of that. I think that's when the street became public.

Mr. Alarie: Actually, Barnard Road, which starts on the southerly side of 290, used to go all the way over to this house and back out to either Prospect Street or Reservoir Street. That house was originally on Barnard Road before all of that section became segregated from the rest of the town by the construction of 290.

Mr. Gordon: This is before the bend or after it?

Mr. Alarie: Where the bend in Barnard Road is?

Mr. Gordon: Yes.

Mr. Alarie: That originally continued northerly and then they it bent around and back out.

Mr. Gordon: So, Colonial Drive ended above that. Well, Colonial Drive wasn't there.

Mr. Alarie: There was no Colonial Drive, correct. That was basically constructed to provide access to this house.

Mr. Ottaviano: It was Barnard. Colonial Drive and Colonial Way were all created when the highway cut in.

Mr. Alarie: Exactly.

Mr. Gordon: Can you tell me why you want to come out the extra 3 ft.?

Mr. Ottaviano: It's going to be a kitchen. This is just a temporary plan. I'm not sure, but, in order to give us the room to the existing structure, I just want to add that 3 ft.

Mr. L'Ecuyer: And that's this right here?

Mr. Ottaviano: Yes.

Mr. Gordon: Is it going to have a cellar under it?

Mr. Ottaviano: I hope to.

Mr. Gordon: Has the rest of the house got a cellar under it?

Mr. Ottaviano: Not yet. Well, part of it does. I'm hoping to excavate part of the house this fall or in the spring, whenever this happens, if this goes through. This is the main, original structure of the house. These are all additions over the past years before I bought it. This has a full foundation. There is no foundation under here. There is no cellar under there. We're going to excavate to about this point, put a cellar in and then try to put a cellar in under the original house.

Mr. Gordon: What will this be?

Mr. Ottaviano: It will be 2 rooms.

Mr. Gordon: What is this?

Mr. Ottaviano: That will be a garage. I added that on about 4 years ago. That's really the only reason to go the extra 3 ft. It just gave us more room and footprint.

Mr. Gordon: You can't put it on the back of the house?

Mr. Ottaviano: Put the whole structure on the back? No, because of that structure. This is going to be a separate room here. I don't want to have to take that wall down. This is the main kitchen, now. There is an old fireplace right here that we just redid. So, this is going to be the cooking part and this is going to be the eating part.

Mr. Gordon: This is the white section right now, this one?

Mr. Ottaviano: That's the white section. It's the old part. It's white. I haven't painted it yet.

Mr. George: So, you're utilizing the fireplace that's there already?

Mr. Ottaviano: Yes. We're trying to take an old house and make it more functional in today's world.

Mr. George: Do you have any questions, Ron?

Mr. Rosen: No.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

#### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Paul Ottaviano, 87 Colonial Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 87 Colonial Drive maintaining the existing front yard setback of said property.

The appellant's property is situated at the very dead-end of Colonial Drive and was built well before the construction of Colonial Drive. In fact, it originally fronted upon Barnard Road until Interstate 290 was constructed and Barnard Road terminated southerly of I-290. As a result of that event, the front yard setback of Mr. Ottaviano's home became nonconforming. It is at an angle to the road with its front right corner approximately 7 ft. from the road. He proposes to construct an addition to the front left side of the structure that will extend to within 10 ft. of the front property line.

It was the board's opinion that, due to its location at the end of the road and being directly opposite the westbound land of I-290, the proposed expansion of this dwelling

would have no impact upon the welfare of other properties in this vicinity of Colonial Drive. They found that the extension of the structure's nonconforming front yard setback would not significantly depart from the intent of the bylaw and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Ms. Murphy	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Steven J. Bolivar, 2 Mangs Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Steven J. Bolivar, 2 Mangs Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 15 ft. from the side lot line of property located at 2 Mangs Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 42 as Plot 6-7.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Bolivar: Steven Bolivar. To correct you, Mr. Chairman, maybe I heard you wrong. It's 15 ft. to the rear setback, not the side.

Mr. Alarie: No, it would be the side lot line where you're a corner lot.

Mr. Bolivar: Okay.

Mr. Alarie: You have 2 front lot lines...

Mr. Bolivar: You know better than I, but the proposed site is the rear of the house, as it's situated. When we built the house about 7 years ago, we were the first house on the street. At that time, we hoped that the builder, per our instructions, would be placing the home in the middle of the lot. As it turns out, the home was built as it appears as though it's in the middle of the lot. But, it's really towards the left rear angle which has created an overly big side yard and pushed the house back to the rear where the deck is off of the rear of the house with the slides and so on. That would be the only way to get to, or access to, a swimming pool. There is no entrance, otherwise, to that side yard side of the house. It is for that hardship that we've applied for this variance. Where you see our

neighbor's lot, who is at Lot 6-6, that is his driveway and garage towards where the proposed site would be. So, I do not believe there would be a substantial detriment to our neighbor, Mr. Bercume, at Lot 6-6. I have nothing further to add and would be open to questions.

Mr. Rosen: How much does he need?

Mr. Bolivar: Five feet, I think, is what we requested. It's 20 ft. and where we have it proposed it's 15 ft.

Mr. Alarie: Actually, if it was a rear line, the setback would be 20 ft. and he would need relief of 5 ft. But, in this instance, the side yard requirement in this district is greater than the rear for pools. It's a 30 ft. side yard setback. So, you actually have to vary the setback by 15 ft.

Mr. Bolivar: So, that's to the side yard setback?

Mr. Alarie: Correct. Actually, the distance off of Rockwell Drive is only 20 ft. as well. It's less the distance to be off of Rockwell Drive than it is from that side lot line or if he had a true rear lot line.

Mr. Salerno: Are there any restrictions, Mr. Alarie, as far as fencing goes where it's a corner lot?

Mr. Alarie: No just that the building code requires a minimum 4 ft. high enclosure meeting the characteristics required by the code which depend upon the configuration of the fence.

Mr. Salerno: The state regulation for swimming pools is the same thing?

Mr. Alarie: It's a state requirement.

Mr. Salerno: But, I'm saying that, where it's a corner lot, due we have some restrictions on corner lots for shrubbery and what about a fence?

Mr. Alarie: No, the only place where we restrict the placement of barriers or other types of fencing, shrubbery, plantings and things of that nature is right at the intersection of the 2 streets. That only extends 25 ft. back from the point of intersection. With respect to pools, the bylaw actually allows a corner lot relief from what would be a 50 ft. front yard setback, in this instance down to 20 ft., for the installation of a pool on a corner lot where it abuts the secondary street.

Mr. Salerno: He's got an easement also running along the street?

Mr. Alarie: That's customary in all of the subdivisions. There's a 10 ft. wide electric easement bordering the right-of-way.

Mr. Salerno: Are there any other pools in the neighborhood, counselor?

Mr. Bolivar: It seems as though there are a lot of them going up recently, probably in the last year or year and a half. Right across the street at 3 Mangs, I believe there is an inground pool. On Rockwell Drive, I've seen just in the last 6 months or so, quite a few popping up. I guess the economy's turning around.

Mr. Salerno: Are there any questions from the board? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

#### Decision

On October 14, 2003, the Shrewsbury Zoning Board of appeals unanimously voted to grant the appeal of Steven J. Bolivar, 2 Mangs Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 15 ft. from the side lot line of property located at 2 Mangs Drive.

The appellant's property is located at the corner of Mangs Drive and Rockwell Drive and he proposes to install an inground swimming pool in the southeasterly corner of his lot adjacent to Rockwell Drive. The board noted that Mr. Bolivar's home is positioned well beyond the minimum front yard setback line from Mangs drive and that its orientation precludes the siting of a pool directly to the rear of the structure. They also noted that, due to its corner lot configuration, the setback from the property line in question increases from 20 ft. to 30 ft. when compared to the requirement for a convention lot and that the setback is only 20 ft. from the sideline of Rockwell Drive. It was their opinion that, in this instance, the imposition of the minimum applicable requirements of the Zoning Bylaw would impose a substantial hardship to the appellant as it would virtually prevent the installation of an inground pool upon this lot. They found that the granting of the relief requested would not seriously depart from the intent of the bylaw and that it would not adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

#### Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Elizabeth A. Johnson-Chabot, 26 Edgemere Blvd., Shrewsbury, MA.

PURPOSE: To hear the appeal of Elizabeth A. Johnson-Chabot, 26 Edgemere Blvd., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition 12 ft. from the rear lot line of property located at 26 Edgemere Blvd. The



subject premises is described on the Shrewsbury Assessor's Tax Plate 57 as Plot 55.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Ms. Johnson-Chabot: Elizabeth Johnson-Chabot, 26 Edgemere Boulevard.

Mr. Chabot: I'm Bob Chabot. Basically, what we'd like to do is come out 12 ft. from the rear of our house, which will still leave us approximately 18 ft. from the rear line. I do have a picture of the rear of the house. As of right now, the only access we have to our cellar is from this door. We have to go outside in all kinds of weather to get downstairs to our washer and dryer and supplies. What we want to do is go out to what would be the edge of that cement pad. It is still approximately 19 ft. to the rear property line. It won't go to the very edge of the house, as you're looking at it, on the left-hand side. It will be approximately 3 ft. in from that.

Mr. George: So, this doorway will be enclosed?

Mr. Chabot: Yes.

Ms. Johnson-Chabot: It will encompass part of the addition.

Mr. Confalone: The structural parts are going to come out to the end of this pad and enclose it all the way to approximately 3 ft. in from the side of the house?

Mr. Gordon: Will there be a cellar under this room?

Mr. Chabot: Yes. I'm sorry, not under that room.

Ms. Johnson-Chabot: It's going to be a 3-season sunroom.

Mr. Chabot: I'm sorry, that's not going into the cellar, no.

Mr. Gordon: The unexcavated that is called for on the plan, is that still unexcavated?

Mr. Chabot: Yes.

Mr. Gordon: And, as a porch, will it only be on the first floor? It won't be going up to the second floor?

Mr. Chabot: Yes.

Ms. Johnson-Chabot: Right.

Mr. George: Is this a screen porch or a glass porch?

Mr. Chabot: It's a 3-season, glass enclosed porch.

Ms. Murphy: Have you talked to your neighbors in the rear?

Ms. Johnson-Chabot: Yes.

Ms. Murphy: Do they have any objections to it?

Mr. Chabot: No.

Ms. Johnson-Chabot: No. They have no objections at all. We have one of our neighbors with us on the side. You can see her house that abuts ours on this side. She has no objection to this whatsoever.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? You said that you did have a neighbor that came?

Ms. Johnson-Chabot: Yes.

Ms. Ljunggren: I'm Brenda Ljunggren. I'm right next door and I do not have a problem with this at all.

Mr. Salerno: Thank you. And, these people shared their plans with you ahead of time?

Ms. Ljunggren: Yes.

Mr. Salerno: Great. That's the way to do it. Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

#### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Elizabeth A. Johnson-Chabot, 26 Edgemere Blvd., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition 12 ft. from the rear lot line of property located at 26 Edgemere Blvd.

The board noted that the appellant's property, which is similar to many of the lots in the Edgemere neighborhood is nonconforming in terms of area, frontage and its rear yard setback. They propose to construct a three season room to the rear of there home that will assist in providing access to their basement. The board noted that the existing structure is setback approximately 75 ft. from the road and that this positioning significantly reduces its rear yard area. It was their opinion that, due to the size of this

parcel and the siting of the dwelling thereon, the literal application of the terms of the Zoning Bylaw would impose a substantial hardship to Ms. Johnson-Chabot. They found that the reduction of the rear yard setback, in this instance, would not seriously derogate from the intent of the bylaw, conflict with the general character of this neighborhood or create any condition which would adversely impact the welfare of area residents. They, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Chinh Vu, 53 Hancock Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Chinh Vu, 53 Hancock Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition 32 ft. from the rear lot line of property located at 53 Hancock Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 39 as Plot 113.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Would you identify yourself and/or your client for the record and make your presentation please.

Mr. Alex: I'm Robert Alex. I'm actually the contractor who will be building the addition. This is my client who is looking to put the addition on the house.

Mr. Salerno: Okay. What can you tell us?

Mr. Alex: We're looking to put an addition on the back side of the house, which is close to the border. They will be removing the deck that's on the house. They're going to be taking the deck off of the house and, actually, moving the deck back and putting an addition on the back side of the house. They are going to be reattaching the deck to the addition. So, with the deck on it, it's going to be about 20 ft. from the back border. The zoning law, right now, is 40 ft.

Mr. Gordon: It isn't a deck though, Ron, it's a porch?

Mr. Alarie: Right. It's the addition which must comply with the setback requirement.

Mr. Gordon: The addition is the thing that shows 30 ft.?

Mr. Alex: Yes. The addition is going to be like 32 ft.

Mr. Gordon: Is there going to be a cellar under this?

Mr. Alex: Yes.

Mr. Gordon: There is going to be a cellar underneath it. Is this 1 story or 2 stories?

Mr. Alex: It will be 2 stories.

Mr. Gordon: So, this will go up both stories?

Mr. Alex: Yes.

Mr. Gordon: So, basically, 2 rooms and a cellar?

Mr. Alex: Yes. It will also have a bathroom on the 2<sup>nd</sup> floor.

Mr. Rosen: Do you have any plans, any plans that we can look at?

Mr. Alex: Of the actual building? No, I do not.

Mr. Salerno: You don't have any sketches or diagrams so we can see how it's going look aesthetically?

Mr. Alex: I have the layout of the house.

Mr. Salerno: We have the plot plan.

Mr. Alex: I didn't actually do the diagram of the addition yet because we didn't know if we were going to get the variance or not.

Mr. Salerno: Well, tell us what it will be.

Mr. Gordon: How large is it going to be?

Mr. Alex: It's going to be 14 ft. x 29 ft., which is the length of the house. The house is 29 ft. So, we are going to make it the same length as the house and go 14 ft. back. It's going to be extended right onto the house. We're going to side it, put a bow window in it and we're just going up 2 floors. There will be stairs on the inside going up to the second floor and there will be a bathroom on the second floor. It will be 2 large rooms on the back of the house. The first floor will have a sliding glass door that's actually going to go out to the deck.

Mr. Salerno: Sir, on behalf of your client, the reason that you need the variance is, what, it's the only practical way to expand the house?

Mr. Alex: Yes.

Mr. Salerno: Given the layout of the lot, you couldn't go to the southerly side of the house between the garage and the house?

Mr. Alex: No. The driveway and all of that is on that side. Right on that side of the house is a driveway. The sidewalk's there and concrete steps.

Mr. Salerno: That's what I'm asking you, where the footage allows expansion, it doesn't fit?

Mr. Alex: Yes. It doesn't fit there.

Mr. Alarie: I'm sure the board has noted, but, if you look at the assessor's maps, you'll see that the property to the rear is conservation land. There is a small piece that I think we took over for tax title some years back.

Mr. Gordon: Right. And this is the end of the paved street. It's a street, but it's a path.

Mr. Alarie: Beyond that on Lakewood Drive, it's just a couple of ruts and it really does not qualify as a street.

Mr. Gordon: I drove down it once. I will never do it again. I couldn't see the top of my car.

Mr. Alex: The potholes are large down there, yes.

Ms. Murphy: So, there will be no impact on the rear neighbors?

Mr. Alarie: No.

Ms. Murphy: There aren't any?

Mr. Alex: No, there is no rear neighbor.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

#### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Chinh Vu, 53 Hancock Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of an addition 32 ft. from the rear lot line of property located at 53 Hancock Street.

Upon review of this appeal, the board noted that the subject property is rather irregular in shape and that the rear of the lot abuts town owned conservation land. It was their opinion that the imposition of the minimum terms of the Zoning Bylaw, in this instance, would impose a substantial hardship to the appellant and that the reduction of the rear yard requirement where it abuts such a large tract of public land would not seriously depart from the intent of the bylaw or adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Peter L. Bryan, D.D.S., 48 Maple Avenue, Shrewsbury, MA.

PURPOSE: To hear the appeal of Peter L. Bryan, D.D.S., 35 Monroe Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the construction of an addition 24 ft. from the rear lot line of property located at 48 Maple Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 21 as Plot 163.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Rosen: Mr. Chairman, I'm going to recuse myself from this hearing.

Mr. Salerno: Certainly.

Mr. L'Ecuyer: Mr. Chairman, I need to disclose that Dr. Bryan is my dentist. I'm continuing to serve in my capacity, however.

Mr. Salerno: Yes. You can make a fair and open decision?

Mr. L'Ecuyer: Yes, I can.

Mr. Salerno: Then there is no problem with that?

Mr. L'Ecuyer: Right.

Mr. Salerno: There's no concern about not getting Novocain the next time you're there?

Mr. L'Ecuyer: No.

Mr. Salerno: You're confident that there's no conflict for you?

Mr. L'Ecuyer: Yes.

Mr. Salerno: Then the board accepts the representations of that.

Will the parties identify themselves for the record and make their presentation, please.

Dr. Bryan: I'm Peter Bryan and this is George Morrison, my contractor. The building I have is located 35 ft. from the property line out back. Back in 1988, we expanded the building and put a second story on it. On the back right rear, there is a deck on the back, the dimensions of which are 11 ft. deep by 12 ft. wide. My request would be to use the same footprint of that deck and just go up one story, which looked to me to be, when I measured it, about 11 or 12 ft. high. We would keep it in the same place that the deck is. That would bring me to 24 ft. from the property line.

I did get to speak with all of the neighbors around, except for one. I tried to, but I could never connect up with the man. They all seemed in agreement. I spoke extensively with a couple.

My reason for asking for this is that the problem that I have in my building is that it's on a cement slab. It used to be the Post Office many years ago. I have, I would say, about one tenth of the square footage under there as my basement. I have all of my dental equipment down there, compressors and things like that. So, I don't really have a lot of storage. I presently use that deck as an exit in the back. We don't really use the deck anyway. So, I was hopeful that I could get that for storage. So, that's my reason for coming tonight.

Ms. Murphy: Excuse me.

Mr. Salerno: Go ahead.

Ms. Murphy: Isn't this appraised as a nonconforming structure?

Mr. Alarie: That's correct. Well, in terms of the use or the structure?

Ms. Murphy: No, In terms of the building itself. Isn't the required setback 50 ft.?

Mr. Alarie: Yes.

Ms. Murphy: And, it doesn't comply with that now?

Mr. Alarie: That's correct, but the board granted relief in 1988. It was, as he says, an existing Post Office building. They granted special permits and I think variances to allow

the expansion of that building at that time. This would go above and beyond that as far as enclosing that existing deck.

Mr. Salerno: The relief that was granted was as it is constructed right now?

Mr. Alarie: That's correct.

Mr. L'Ecuyer: You're keeping the footprint the same?

Dr. Bryan: Yes.

Mr. L'Ecuyer: You're going up and enclosing this?

Dr. Bryan: The footprint of the addition and the current deck are the same dimensions.

Mr. Gordon: You won't be blocking off the back? You'll still be having circulation of traffic?

Dr. Bryan: Yes. I did include a couple of photographs showing the deck.

Mr. Salerno: Basically, you're just going to enclose what's there now as a deck?

Dr. Bryan: Yes.

Mr. Salerno: There wouldn't be any further obstruction to traffic?

Dr. Bryan: Correct.

Mr. Gordon: The bulkhead is not going to move, it's going to stay right where it is?

Dr. Bryan: Right.

Mr. Gordon: Or the doorway down to the cellar?

Dr. Bryan: It's going to stay outside. It's not part of the enclosure.

Mr. George: Will there be a shed roof coming off of the main structure?

Mr. Morrison: More than likely, it will be a shed roof and no basement.

Mr. Gordon: It says that you have a deck on the other side. I don't remember seeing a deck on the other side. Is there a deck on the other side?

Dr. Bryan: There's a handicap ramp on the left side.

Mr. Gordon: I saw the ramp. It's not a deck.

Dr. Bryan: No, it's not.



Mr. Gordon: What are you going to put under this, just footings?

Dr. Bryan: Right.

Mr. Morrison: We could use sono tubes.

Mr. Salerno: This will have the same rooflines?

Mr. Morrison: Sorry?

Mr. Salerno: The same roofline, the same elevations as the existing building?

Dr. Bryan: Yes.

Mr. George: So, you're going to make it blend in with the rest of the building, with the siding?

Dr. Bryan: Right. It will look like we always had it.

Mr. Salerno: Is there anything further from the board? Is there anybody in attendance this evening that wants to comment on this petition? Just identify yourself for the audio record, ma'am, and direct your comments to the board.

Ms. Arakelian: I'm Betty Arakelian. I live right in back of him. He promises a lot of things, but he doesn't do it. Now, you say that you are not going to go too far near the trees?

Mr. Salerno: What was your question, ma'am?

Ms. Arakelian: How far is he going near the trees? I'm right in back and there's a fence. I want to know how far he's going.

Dr. Bryan: Twenty-four feet off of the property.

Ms. Arakelian: That doesn't help me. I have no idea what 24 ft. is.

Mr. Gordon: Do you know where the porch is right now?

Ms. Arakelian: There's no porch.

Mr. Gordon: There is a porch there.

Ms. Arakelian: There's a ramp, a handicap ramp.

Mr. Gordon: There's a little wooden deck. He's going straight up on the deck.

Ms. Arakelian: That's right.

Mr. Gordon: He's not enlarging it at all.

Ms. Arakelian: How far away are you going to be from that?

Dr. Bryan: Mrs. Arakelian, it's not at your end of the building. It's not on your end, but on my end, right where my office is there is a deck back there, a small deck.

Ms. Arakelian: Okay, I know. But, another thing, you promised last time that it was going to be on one floor and you ended up with 2 floors. So, I don't want something like that to happen again.

And another thing, I'm cutting all of those trees. I pay \$250 twice a year to clean your trees. Are you going to cut those trees? I wish you would.

Mr. Salerno: Just so that you have a better idea, ma'am, there are some photographs here that are going to show the deck enclosed. So, it's not going to encroach upon the asphalt and where the fence is. It's just going to go up.

Ms. Arakelian: I hope it stays that way. What he does and what he says is different.

Mr. Salerno: Well, if we so choose to approve it and we limit it to that space and the plan that's submitted, which shows just enclosing this deck up on the back of the building, that is all that can be done.

Ms. Arakelian: All the way up?

Mr. Salerno: Yes.

Ms. Arakelian: I won't have any problem with that.

Mr. Salerno: Well, thank you for your opinion.

Mr. Alarie: For the record, the appeal that was made in 1988. it was already a single story building at that time. There were substantial plans that were submitted to that board to add a second story. That is what was approved at that point in time.

Mr. Gordon: Right. You would have no objection, then, to our saying in our decision that this is to be approximately 11 ft. x 12 ft., one story?

Mr. Salerno: And tied to the plans as submitted?

Mr. Gordon: Tied to the plans as submitted.

Dr. Bryan: Yes, that is fine.

Mr. Salerno: Is there anybody else in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Mr. Morrison: I have a question, if I may? What's the normal time frame when you take something under advisement?

Mr. Salerno: We'll vote on this at the end of our meeting. There's a 20 day appeal on this from the time it's filed. The vote is filed by the building inspector's office.

Mr. Morrison: Good. Thank you.

#### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Peter L. Bryan, D.D.S., 35 Monroe Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the construction of an addition 24 ft. from the rear lot line of property located at 48 Maple Ave.

The subject property was originally developed and occupied by the United States Postal Service. Subsequent to that use, it was used as a beauty salon and for office purposes. In 1988, the appellant was granted approval to add a second story to the structure and it has been used for business and professional office purposes since that time, including Dr. Bryan's dental practice. There is a small, open deck attached to the right rear corner of the building that Dr. Bryan proposes to enclose and use for the storage of office records. The deck's current setback, which is approximately 24 ft. from the rear lot line, will remain unchanged.

It was the board's opinion, upon review of this appeal, that the enclosure of this deck, which is about 11 ft. by 12 ft., and its use for storage purposes would not materially change the configuration of this site. They found that the literal application of the applicable terms of the Zoning Bylaw, based on the original development and use of this site and the building that is situated thereon, would impose a substantial hardship to the appellant. They further concluded that the reduction of the rear yard setback to enclose such a small, existing structure would neither depart from the intent of the bylaw nor adversely impact the public welfare. It was, therefore, unanimously voted to grant the appeal as presented to the board.

#### Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Audrey A. Doyle-Richardson and David A. Richardson, 375 South Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Audrey A. Doyle-Richardson and David A. Richardson, 375 South Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the expansion of the single family dwelling situated

upon property located at 375 South Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 42 as Plot 28-1.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Richardson: I'm Dave Richardson.

Ms. Richardson: I'm Audrey Richardson.

Mr. Richardson: We live at 375 South Street in Shrewsbury. What we're here for is that we would like to put an addition onto the back of our home. The background is that we had a business across the street and we had to move that. At that time, Audrey, who's not only a business woman, but an artist, wanted to have a studio there just to paint and do her art work. So, now that we're not there we just wanted to have our own little area and to add a post and beam barn to our garage. It would be married to one side of our garage. It would be post and beam. I did bring some photos to give you an idea of what it looks like. I also have a set of plans. This is the set of plans and this is the house. If you'll notice, this is the greenhouse that will be moved. That's where it's going. This will show you what a post and beam barn looks like. It will just be a studio for Audrey to display her art and do her painting because we have retired. So, this is a life-long program that she's wanted to do and I promised her a studio. It is connected right to the garage. Therefore, we would not have to go outside anymore and we can go right into the studio. We do have one little area that's on the southeast side which is going to change. We're taking down the greenhouse that you see in those pictures that is kind of a disaster. We have a hot tub and that goes in a small room in the studio.

Mr. Salerno: Is the Homestead Dried Flowers and Design currently operating?

Mr. Richardson: We were here, I think last October, to have the business moved across the street. But, due to the renovation and everything, we've had to close that down.

Mr. Salerno: Is there still a special permit issued for that, Mr. Alarie?

Mr. Alarie: It's still in effect.

Mr. Salerno: It's still in effect?

Mr. Richardson: I think we've decided to retire and enjoy the rest of our lives and, hopefully, paint and do my hobbies.

Mr. Salerno: A special permit is tied to a property?

Mr. Alarie: A special permit would run with the property, right.

Mr. Salerno: Right. So, if this barn were constructed, they would be able to run the business out of it with a special permit.

Mr. Alarie: No. The special permit for the business would be limited to the proposal that they presented at the time of the hearing.

Mr. Salerno: And, that was in part of the house?

Mr. Alarie: It's limited to a certain portion of the house, the existing house.

Mr. Gordon: Wasn't it dried flowers?

Mr. Richardson: It was dried flowers, yes.

Mr. Alarie: The basis of the appeal is that this is now located in an Office Research District. Prior to that I think that you were in a Commercial Business or Limited Industrial District?

Mr. Richardson: It was Limited Industrial.

Mr. Alarie: The residential use is not permitted in either zone and, so, any expansion of that residence requires the issuance of a special permit.

Mr. Richardson: This is actually the last small piece of the Allen Homestead that's been there since 1725.

Mr. Salerno: You are aware that, if you want to reopen the dried flowers and design, you would not be allowed to in the new addition?

Mr. Richardson: Yes. I think we both feel pretty strongly that we've retired.

Ms. Richardson: Right.

Mr. Gordon: Hopefully.

Mr. Salerno: Do any members want to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Audrey A. Doyle-Richardson and David A. Richardson, 375 South Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the expansion of the single family dwelling situated upon property located at 375 South Street.

The appellants' home is situated upon a parcel of land that is approximately 1.8 acres in area and is located within a Office-Research District. Prior to the rezoning of this vicinity of South Street earlier this year, it was zoned "Limited Industrial". Table I of the Zoning Bylaw does not permit residential occupancies in either of these zoning districts and its current occupancy, which was established sometime in the early 1700's, exists as a legal nonconforming use. They propose to construct a post and beam addition to the rear of their home that Mrs. Doyle-Richardson will use as her personal art studio.

Upon review of this appeal, the board found that the proposed expansion of this single family home would not materially change its nonconforming character and that it would have no impact upon the welfare of abutting properties, one of which is a family homestead and the other part of a vast tract of open space associated with the Maxtor facility. It was, therefore, unanimously voted to grant the appeal provided that the addition shall be occupied for single family residential purposes, it shall be constructed and used substantially in accordance with the appellants' presentation to the board and that it shall not be used for business purposes.

#### Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Paul and Joan Cahill, 50 Main Circle, Shrewsbury, MA.

PURPOSE: To hear the appeal of Paul and Joan Cahill, 50 Main Circle, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the keeping of Nigerian Dwarf Goats upon property located at 50 Main Circle. The subject premises is described on the Shrewsbury Assessor's Tax Plate 23 as Plots 358 and 359.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Would the parties come forward, identify yourselves for the audio record and make your presentation please.

Ms. Cahill: I'm Joan Cahill.

Mr. Cahill: And I'm Paul Cahill. We're here, I believe, as a request from the board for a reappearance from the approval that we had last time.

Mr. Salerno: It was limited in its time frame, I believe. If I remember correctly, there were some restrictions put on it that you were to comply with?

Mr. Cahill: They were all complied with and taken care of.

Mr. Salerno: I think the time period in which we allowed that is about to expire and that's the reason for your request?

Mr. Cahill: Yes.

Mr. Gordon: What was the time period?

Mr. Salerno: Was it 1 year or 2 years?

Ms. Cahill: One year.

Mr. Cahill: It was 1 year, but I never realized that we had to come back again.

Ms. Cahill: We had a certain time limit to move their house and to make some changes, which we did.

Mr. Cahill: We met that and then I didn't realize that we had to come back.

Ms. Cahill: That we had to reapply.

Mr. Cahill: To reapply to keep something that was okay.

Mr. Salerno: There were 3 restrictions. One was that it not be more than 2 goats, that the barn/stall housing these animals would be relocated to the rear of the appellant's home so that it would be a minimum of 50 ft. away from the property line and that it be relocated on or before January 31, 2002 and that the period of time in affect would be 1 year commencing on the date of the filing of the decision. I believe that was December 12, 2001. So, that would have expired on December 12, 2002. You were not aware of this?

Ms. Cahill: No.

Mr. Cahill: I had no idea. We never had notification or anything. So, technically, you don't notify someone?

Mr. Salerno: Did you get a copy of the decision, Mr. Cahill?

Mr. Cahill: Yes, we did. We did, right?

Ms. Cahill: Yes. I think we probably just didn't read the bottom of it.

Mr. Salerno: Sure. You missed the fine print that said that?

Ms. Cahill: Yes, we did. Ron was nice enough to bring it to our attention.

Mr. Salerno: He's very good at that. So, you're here again to seek the same petition that was allowed then?

Mr. Cahill: Yes.

Mr. Salerno: Have you complied with the conditions 1 and 2?

Mr. Cahill: All of them.

Ms. Cahill: Yes.

Mr. Salerno: So, there are still only 2 goats?

Mr. Cahill: Yes.

Ms. Cahill: Yes.

Mr. Salerno: And the barn/housing has been moved?

Mr. Cahill: Yes.

Mr. Salerno: Is there anything else you would like to have the board know?

Mr. Cahill: I just want to know if we have to come back every year to renew this. The grandchildren seem to fall in love more and more with the goats. If all of a sudden the board changes and someone says you can't have them anymore, who's going to do the explaining?

Mr. Salerno: Well, the special permits are often times granted for a fixed period so that the board can have a period of observation to see if the parties comply with the conditions and to see if the neighbors are satisfied with the conditions. So, initially in some of these unique situations or requests we have a shorter period of time that we grant it for. As things progress we usually expand that. It's really for the protection of property owners and the petitioners themselves. Again, with this request here, we can set a new time period in which this would run.

Mr. Cahill: I would appreciate it.

Mr. Salerno: Let's see if there are any board members that want to question you on it and people who are here.

Mr. Gordon: How old are your grandchildren?

Ms. Cahill: The youngest is 7 and the oldest is 18.

Mr. Gordon: The youngest is 7, okay.



Ms. Murphy: Have there been any neighborhood complaints?

Ms. Cahill: I think in the beginning there were. If there have been any since then, we're unaware of it.

Mr. Salerno: There were a number of neighbors here, from my memory of the last hearing, all of whom expressed specific concerns. I think some of the conditions we set addressed those concerns.

Mr. Cahill: They are actually quieter than a dog right now. As they age and mature, there is very little noise out of them. They're creatures of habit right now.

Mr. Salerno: I think some of the concerns last time were composting. There was an issue on noise.

Ms. Cahill: Actually, there was one neighbor that was opposed. The rest of our neighbors wrote letters and things saying that they were in favor of us having them.

Ms. Murphy: Well, I just wondered if there have been any complaints subsequently.

Mr. Cahill: We haven't received any.

Mr. Salerno: Is there anybody in attendance this evening that wants to address the matter? Again, ma'am, would you identify yourself for the audio record and just direct your comments to the board.

Ms. Sheehan: Yes. Frances Abdella-Sheehan. I live at 7 Oak Ridge Way along with my husband Kevin Sheehan. We are abutters to the property. I did make a phone call to Mr. Alarie. He called me about 3 months ago because we were experiencing a lot of displeasure with the noise from the goats. They're extremely loud. They cry all day long. I was not here when you granted the permit. I guess I would have come if I understood the ramifications of having farm animals adjacent to my property. I wasn't aware that they would make so much noise. They do not stay in the structure that they built for them. I can see them clearly from my kitchen window. All summer long they cried nonstop. All of the neighbors' kids come through my back yard, which I have no problem with them being on my property, but they are all coming through to come over and look at the goats.

I'm concerned that they're loud. I'm concerned if this affects my property values. If I were to go and sell my house, I'm sure that someone wouldn't want to buy a property with goats adjacent to it.

I'm concerned that they don't seem concerned about complaints they have received from the neighbors. I have a neighbor who isn't here because they put their house up for sale last week. They made repeated complaints to the Cahills about the noise, from my understanding. Again, I didn't address the Cahills directly, but from my understanding, the other neighbors were upset.

I'm concerned that you'll renew this permit for them because, again, these animals are older, they make a lot of noise and I wonder where this is going down the road. That's just my concern.

Mr. Salerno: Was there somebody else who raised their hand back there? Okay, would you identify yourself, please?

Ms. Haddad: I'm Helen Haddad, 4 Knollwood Drive, next door neighbors to the Cahills. They're wonderful people. They love animals. I want to say at this point that, with all respect, there are times that we have, I'm sure, heard howling dogs and howling cats. I'm sure that no one has complained about that. I don't know why the bleating of little goats can be such a problem. As I've said, I'm right next door and I don't hear them at all.

Mr. Salerno: Well, that was going to be my question, Mrs. Haddad. You're an abutting neighbor?

Ms. Haddad: Yes.

Mr. Salerno: Have you experienced any or noticed the noise from the goats?

Ms. Haddad: Never.

Mr. Salerno: Are you home most of the day?

Ms. Haddad: Most of the day.

Mr. Salerno: Sir?

Mr. Haddad: I live at the same residence as my mother, 4 Knollwood Drive. My name is John Haddad. My bedroom overlooks their property. My home office also overlooks their property. Their animals are as quiet as a pair of rabbits.

Mr. Salerno: And, you're there quite often?

Mr. Haddad: I'm there 24 hours a day, 7 days a week. I've been retired from the navy for about a month and a half.

Mr. Salerno: How much do the goats weigh?

Ms. Cahill: How much do the goats weigh?

Mr. Salerno: Yes.

Ms. Cahill: I don't know, but you can pick them up. They're small.

Mr. Cahill: Yes. They're very friendly.

Mr. Gordon: My boxer is 40 lbs. Are they about that same size?

Mr. Cahill: Your boxer?

Ms. Cahill: They're not as big as your boxer.

Mr. Cahill: They're not as big as your boxer.

Mr. Salerno: They're dwarf goats?

Ms. Cahill: Yes, they're dwarf.

Mr. Cahill: She made the statement that they do not stay in their barn.

Mr. Salerno: So, you want to address concerns, Mr. Cahill, about whether or not they stay in their penned-in area.

Mr. Cahill: They do go out and eat the grass. They are out all day.

Ms. Cahill: But, they're fenced in.

Mr. Cahill: They're completely fenced. They're totally fenced around and contained. But, naturally, they would not stay in their structure. They're in their structure evenings. At 7:00, they're in bed unless we happen to get home a little bit later, but by 7:30. They are put in at 7:00 and they are never let out before 7:00 in the morning.

Mr. Salerno: Has the animal control officer been to your house in the last year?

Ms. Cahill: No.

Mr. Cahill: No, not to my knowledge. Not unless they came to the house without talking to us.

Mr. Salerno: That's what I'm saying.

Mr. George: Ms. Sheehan, where is your house located in regards to the Cahill's?

Ms. Sheehan: We're abutters on Oak Ridge Way so that their back yard abuts our backyard.

Mr. Alarie: I believe, if you look at the assessor's maps, Plot 361 was where the initial complaint came from. The pen was right adjacent to that property. I believe Ms. Sheehan/Haddad perhaps resides on Plot 362, the next one down.

Mr. George: Which house did you say was just sold?

Ms. Sheehan: It just went up for sale, number 5 Oak Ridge Way. They are directly behind the Cahill's property.

Mr. George: They would be an abutter of yours?

Ms. Sheehan: Yes.

Mr. George: Mr. Haddad, where is your house located?

Mr. Haddad: I live at 4 Knollwood Drive.

Ms. Haddad: On the corner of Main Circle.

Mr. George: So, the front of your home is off to the side? So, you're not in the back where they store their animals?

Ms. Haddad: We're right next door, actually. I can see the fencing around it.

Mr. Salerno: Mr. Cahill or Ms. Cahill, have you ever spoken with Scott McLean, the person who has this house listed?

Ms. Cahill: Yes, on several different matters. There's more underlying there than just our goats. Recently, a few months back, we had our side lot line surveyed. There were some things discovered that were done to our property by people who had no business doing this. So, I think there are underlying issues other than just our goats.

Mr. Salerno: Okay. Is he in the area?

Ms. Cahill: Who, Scott?

Mr. Cahill: They're there all the time.

Ms. Cahill: Their home is for sale. They haven't moved.

Mr. Salerno: I just want to make sure that we know where everyone is situated.

Ms. Murphy: Ron, can you tell from this plot plan what the distance would be, approximately, from her house to where the pen is?

Mr. Cahill: It would be over 50 ft.

Mr. Alarie: I would say somewhere in the vicinity of 50 to 60 ft.

Mr. Cahill: Sixty, probably, on that end. The lot line is actually, probably, another 6 or 8 ft. outside of the fenced-in area.

Mr. Salerno: Do you have any more questions?

Mr. Gordon: I just have a couple. You say that, for the most part, you put the goats in the house at 7:00 in the evening?

Mr. Cahill: Right around 7:00. If we get home from supper or something, it's 7:30, but we shoot for 7:00.

Mr. Gordon: You'd have no problem with our putting a time restriction when you're supposed to put them inside?

Mr. Cahill: I have no problem with it, but there are times that, if you're out and you have supper and you don't get home until 7:30, quarter of 8, these animals will retreat to their home anyway at darkness. I wouldn't want to come home at 8:00 some night and have someone sitting there with a time clock saying "You missed it; you're going back."

Mr. Gordon: I was thinking of dusk to dawn. Dusk is what time, right after sunset?

Mr. Salerno: It's half an hour prior to.

Mr. Gordon: Prior to sunset.

Ms. Cahill: As the season changes, they go to bed earlier anyway because they don't like the dark.

Mr. Cahill: In the winter time, they're in earlier of course, but they're in some nights now at 6:00 or 6:30.

Mr. Salerno: Is there any green barrier, trees or shrubs or anything that comes between the neighbors?

Mr. Cahill: Well, there used to be on Scott's side. He took care of that situation. There are standing pines on her side, but the foliage on those standing pines is not low.

Mr. Salerno: The Sheehan's side?

Ms. Cahill: Right. Most of our foliage is on the other side of the property, there.

Mr. Gordon: What type of fence is there?

Mr. Cahill: Chain link, 6 ft. sections.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

#### Decision

On October 14, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Paul and Joan Cahill, 50 Main Circle, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the keeping of Nigerian Dwarf Goats upon property located at 50 Main Circle.

On October 30, 2001, the appellants were granted a special permit to allow the keeping of the aforementioned goats upon the subject premises. At that time, the board found that the Cahills' property, which is approximately one acre in area, was of adequate size to pasture and house such small animals and that this ancillary use would not conflict with

the intent of the Zoning Bylaw. However, they conditioned their decision in reaction to concerns raised at that time, one of which limited the granting to a period of one year.

Upon review of the Cahills' current appeal to renew their special permit, the board concurred with their previous findings that the two dwarf goats could be housed and pastured upon this large lot in keeping with the intent of the bylaw and without creating a nuisance or other condition that would be detrimental to the public good. It was, therefore, unanimously voted to grant the appeal subject to the following:

1. Not more than 2 dwarf goats may be kept upon the subject premises.
2. The barn/stall housing these animals shall remain in its present location.
3. A solid fence which shall be a minimum of 6 ft. in height shall be erected adjacent to the common property lines between the subject premises and the property located at 7 Oak Ridge Way
4. The rights authorized by this granting shall remain in effect for a period of 2 years, said period commencing upon the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Goodall and Sons Tractor Company, Inc., 683 Hartford Turnpike, Shrewsbury, MA.

PURPOSE: To hear the appeal of Goodall and Sons Tractor Company, Inc., 75 Otis Street, Westboro, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sale and repair of agricultural, construction and related equipment upon property located at 683 Hartford Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 42 as Plot 24.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Counsel, would you identify yourself for the record and your client.

Atty. St. Pierre: Yes sir, my name is Rod St. Pierre and I have an office on Route 9 here in Shrewsbury. Carl Goodall is with me, who is your petitioner, and also Jeff DeFalco.

Jeff is the owner of the property. Again, it's an application for a special permit. This is to sell agricultural and farm equipment, construction equipment and things of that nature. It's for new and used machines. We'll have to file for a Class I License with the Board of Selectmen, which we plan to do later on after this hearing.

The location of the property is along Route 20, across from the town landfill, to give you an idea of where it's located. The Goodall & Sons Tractor, Inc., has been in business some 50 years. They are presently located off of Route 9 in Westboro behind Duddie Ford. That particular property was sold this summer to Herb Chambers and Carl has no lease. He is on a tenant-at-will basis there. So, I think with knowing what's going on over there, we have a pretty good indication that he needs to be looking for another location. This particular piece of property is owned by Jeff and is available for lease.

The Goodall & Sons have 10 employees. Their typical hours of operation are Monday through Friday, 7:00 A.M. to 6 P.M., Saturdays from 7:00 A.M. to 12 noon. There are no Sunday hours. The building that you see in that picture was constructed probably around 1965 and has pretty much been used as a contractor's yard ever since, except for a variance granted by this board to R.J. Foley, I believe in 1997, to use it for car sales until he moved his new location over to Route 9. Basically, the 2 acre site that Carl will be using is pretty much the location where Foley had his operation.

On the site plan that I've given you, you will notice, again, we're on Route 20, there's a curb cut that shows a 30 ft. wide right-of-way that comes into the property. The building's on the right-hand side. From the pictures, you'll see the existing treed buffer zone. There is heavy ledge and a pine treed area so that, pretty much, the only visible section for Route 20 is where the curb cut is to the front of the building. There will be existing parking for customers to the front of the building. There will be some display area out front. Most of Carl's equipment is on tracks. It's not conducive to running it on the pavement. So, all of the big equipment and things like that will be to the side and the rear of the property, as we've outlined. Again, it is a 2 acre area that Carl will be using.

Jeff will be using the rear portion of the property, as he has been for some 25 years. By bringing Carl in there, there will be a cleanup of the site. Again, you'll see from the pictures there are some barriers. All of that stuff is going to be moved to the rear. Most of Carl's equipment will be buffered, if you will, from Route 20 to the back of that property. There will not be, at this time, plans for any additional pavement. Again, primarily because the tracked equipment. Again, the pavement area can be handled for the rubber tire type equipment.

There is one security light to the right corner of the property. It shines toward the front. There will be an additional security light at the garage entrance doors, in that area.

One of the things that I discussed with my client is that the lease structure that's being arranged here is, basically, a 5 year lease with some extensions. I know how the board likes to look at a review period. I would recommend to my client and the board that, if they saw fit, to grant it with a 5 year review. Carl is absolutely certain that you'll like what he does down there. Again, where he's been in business so many years, he's confident that this location will be a good location for them and, I think, an asset to the Town of Shrewsbury.

As far as detriment to the public good, again, there is none. There's not a sufficient amount of noise being generated from these. This equipment is not construction equipment being used on the site. It's really for display. Again, there'll be some noise in there during the sales process, but that will be the extent of it. This type of operation does not lend itself to heavy traffic use. Again, it's an industry that doesn't generate a lot of traffic and, really, they will substantially cleanup the site as you see it here today. I think Carl's here to answer any questions, as is Jeff, but I'll open up to the board.

Mr. Salerno: Do any board members wish to inquire?

Mr. George: Will there be any repair of equipment on the site?

Mr. Goodall: Yes, there will be.

Mr. George: Where will that be done?

Mr. Goodall: That will be done inside the building.

Atty. St. Pierre: You can see in the pictures the garage doors, the 3 bays in there. They will be part of what my client will lease. Part of that operation will be in that part of the building.

Mr. Gordon: This part of the bylaw was amended, 3/24/2003, was when we asked the town meeting to change the bylaw. That was when we thought that, in a Limited Industrial Area with special permit, it would be a good area for the sales of agricultural, construction, large recreation trucks and boating equipment.

Atty. St. Pierre: Right.

Mr. Gordon: So, at the last town meeting, we thought, with a special permit, this was probably a decent use for that area. Is there rental also?

Mr. Goodall: Yes.

Mr. Gordon: You rent equipment?

Mr. Goodall: Yes.

Mr. Gordon: What part of your business is rental?

Mr. Goodall: Probably 25 %.

Atty. St. Pierre: Unlike R.J. Foley's operation, which was done by a variance, I would again point out that this is a special permit. That's why I made that very clear in the opening statement.

Mr. Gordon: Maybe we need the equipment to fix the golf course across the street.



Atty. St. Pierre: That's right. That's not a bad idea.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

#### Decision

On October 14, 2003 the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Goodall and Sons Tractor Company, Inc., 75 Otis Street, Westboro, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sale and repair of agricultural, construction and related equipment upon property located at 683 Hartford Tpke.

The board noted, upon review of this appeal, that the town meeting members voted in March of this year to amend Table I of the Zoning Bylaw to permit the sale of large vehicles and equipment, such as trailer trucks and construction and farm equipment, within the Limited Industrial District upon the issuance of a special permit. It was their opinion that the business proposed by the appellant was consistent with the intent of this amendment and that it was an appropriate use of this site. They also noted that this property was originally developed in 1971 as a contractor's office and storage yard and has been used since that time for the storage and repair of construction equipment similar to that which will be displayed, sold, leased and repaired by Mr. Goodall. From 1997 to 2003, the site was also used for the sale of motor vehicles by way of variances issued by this board which, in their opinion, was a more active and intense use of the premises than what the proposed business is expected to generate due to its very specialized character. It was, therefore, unanimously voted to grant the appeal subject to the following:

1. The use of the premises for the sale, lease and repair of agricultural, construction and related equipment shall be conducted substantially in accordance with the appellant's presentation to the board.
2. The rights authorized by this granting shall remain in effect for a period of 5 years, said period commencing upon the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

#### Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Mr. Steve Pappa, c/o ServiceStar Development Company, 936 Hartford Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of Steve Pappa, c/o ServiceStar Development Company, 5670 Green-wood Plaza Blvd., Suite 300, Greenwood Village, CO, for a special permit as required by Section VI, Table I, of the Town of Shrewsbury Zoning Bylaw, and a variance to Section VII, Table II, Commercial Business District, Footnote Number 6, to allow the use of a drive-through food service window upon property located at 936 Hartford Tpke. and to eliminate the installation of sidewalks adjacent to the sideline of Hartford Tpke. in conjunction with the development of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 36 as Plot 50-5.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on September 29, 2003, 2003 and October 6, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Vigneaux: My name is Doug Vigneaux. I work for the BSC Group, representing ServiceStar. Steve Pappa is here with me.

Mr. Pappa: It's nice to see you again.

Mr. Vigneaux: Sam Offei-Addo, also from BSC Group, is here as well and he is a professional transportation engineer.

Thank you for having us before you this evening. A couple of meetings ago we were before you for this project. The board was kind enough to grant a couple of approvals with regards to allowing a service station in a Commercial Business District as well as permitting a separation of less than 50 ft. between the carwash and the convenience store.

We are back before you tonight because we didn't make it clear enough in our original petition that we are also seeking a drive-through, quick serve retail window on the Shell Mart. We are here as well, in addition to that, asking the board for a variance from putting a sidewalk on the frontage of Route 20. We seek the board's approval to go to the next step. That would be site plan application to the planning board. We welcome any questions that you might have.

Mr. Gordon: On the variance request for the sidewalks on Route 20, that's only along Route 20 though? It's not along Valente Drive?

Mr. Vigneaux: That's correct. It's only on Route 20. There is an issue, however, with Mass Highway. Mass Highway does not want to see any sidewalk leading up into the easement that will be created for the signal. This is the sidewalk here that we will have all along Valente Drive, but we will seek to curtail the sidewalk at the first curb cut and not have a sidewalk down along here.

Mr. Gordon: Is Mass Highway going to have a pedestrian phase on the light, whenever it's put in?

Mr. Vigneaux: No, they will not.

Mr. Gordon: There will be no walking across the street unless it's at your own risk?

Mr. Vigneaux: It would be at your own risk. They do not want a pedestrian phase on the signal. There are no sidewalks over on the Olde Shrewsbury Village side of the Route 20 artery. There are none along Route 20 in this whole area.

Ms. Murphy: So, you're going to come back again looking for another variance or did I misunderstand ?

Mr. Vigneaux: For this little section here?

Ms. Murphy: Yes.

Mr. Vigneaux: Do we need to get a variance for that?

Mr. Alarie: Sidewalks would not be required there. That is not part of a public way.

Ms. Murphy: Not required, okay.

Mr. Alarie: Valente Drive is not an approved street.

Mr. Gordon: Valente Drive is an access road. I've got the decision right here.

Mr. Vigneaux: It's a common driveway.

Mr. Gordon: It's a private driveway.

Mr. Vigneaux: Just for the board's edification, we met with Jack Perreault and Eric Denoncourt and Ron, as well, and we were advised that the board would want to see sidewalks continued into Valente Drive, even though it's not something that we would particularly want. We will be putting them in.

Mr. Salerno: Can you show us where Valente Drive is represented on that?

Mr. Vigneaux: Sure. It's right here. Here's the divide, right here.

Mr. Gordon: It's a divided driveway.

Mr. Vigneaux: It has 2 lanes and we will be coming back to the planning board with modifications to widen Valente Drive by 2 ft. on the egress side.

Mr. Salerno: Ron, are there any sidewalks on Route 20 in that section?

Mr. Alarie: No.

Mr. Gordon: When we modified the bylaw, we stated that, where possible, we wanted to have sidewalks on Route 20 and Route 9 to encourage pedestrian movements at the traffic light. It was in selective places.

Mr. Rosen: There are no sidewalks on the other side?

Mr. Gordon: No.

Mr. Rosen: Between the restaurant and Olde Shrewsbury Village?

Mr. Gordon: No. There is something that maybe the town will look at from Valente Drive over to G'Willikers.

Mr. Vigneaux: Yes. There is a sidewalk down more to the west in front where the new bridge was put in place. There's a sidewalk actually on the bridge itself, but I think Mass Highway just wanted it on the bridge for obvious reasons.

Mr. Gordon: Where's that?

Mr. Vigneaux: Down a little bit.

Mr. Alarie: He's talking in Edgemere.

Mr. Gordon: Edgemere. Oh, okay.

Mr. Salerno: This only shows it as an access with a utility easement on this plan.

Mr. Salerno: Valente Drive?

Mr. Salerno: Yes.

Mr. Alarie: It's true. Valente Drive was not done through the subdivision control process where it would be an official street. So, it's basically done by easement and approved through the site plan approval process by the Planning Board. Correct me if I'm wrong, Mr. Gordon.

Mr. Gordon: If you want to look at the decision, it was to have sidewalks on both sides of Valente Drive and it is stated that it would always remain a private drive.

Mr. Salerno: So, we'll call it Valente Drive. It's not going to be a street.

Mr. Gordon: It's Valente Driveway.

Mr. Vigneaux: Mr. Chairman, it's on one of the plans I believe. Perhaps we didn't get it on that one, but it's a private, common drive. That is how we're referring to Valente Drive.

Mr. Salerno: Okay. It does say on this that it's an access and utility easement, which probably better describes what it is.

Mr. Vigneaux: I think, yes, for the purposes of the bylaw.

Mr. Gordon: The drive-through and the auto wash shows that you have 13 cars in each lane. Is that adequate?

Mr. Vigneaux: We believe it is. We have done traffic analyses and studies that we will be submitting to the planning board. Right now, the order box is right here. The actual number shown here is 12. From the order box back, there is a 10 queue lane and the carwash has a 12 queue lane. But, we certainly believe that we have a valid argument to present to the planning board as to why that will be adequate queuing. The quick serve retail is not fully defined right now as to what that will be. There are other, let's say, very like uses that will supposedly be on the Boston Hill site in the future when that all comes out. So, we think that that would offset any A.M. peak where you'd really get a lot of people going there during rush hour traffic.

Mr. Gordon: Is it in Shrewsbury, Northboro or Westboro?

Mr. Vigneaux: Shrewsbury.

Mr. Salerno: Your plan, as submitted sir, shows 13 cars in each queue, 13 cars in queuing for the car wash and 13 for the drive-up window.

Mr. Vigneaux: This is a slightly revised plan. It has grown since that filing was made. This is the up-dated plan.

(Mr. Vigneaux presented a new plan to the board for their review.)

Mr. Salerno: You show 13 in each queue.

Mr. Vigneaux: Yes. But, if you come back to here, the queue is here but this is actually where the order box is. So, you come back and you really begin the counting, according to what I've discussed with the town, at this point. This is where they would begin their counting. So, these cars really have gone by and they're out of the way at this point.

Mr. Salerno: But, those cars can also be there for delayed orders or walkout orders too, right?

Mr. Vigneaux: Well, there's no cooking on-site. There is no food preparation on-site. You'd go in and it's there and you get it. So, it's not like MacDonald's.

Mr. Salerno: What is it that you get, just to be clear?

Mr. Vigneaux: Pardon me?

Mr. Salerno: What is it that you get, just to be clear?

Mr. Gordon: I don't think they know yet.

Mr. Vigneaux: We really don't know. I'd tell you if we knew what the quick serve retail is going to be.

Mr. George: Will it be some type of grocery or convenience store, as well?

Mr. Vigneaux: Yes, maybe. I'll ask Steve.

Mr. Pappa: Shell is entertaining a couple, 3 different entities to go in there. It could be a Dunkin Donuts, it could be a Subway or it could be another type of donut that's known in this region. So, they're kind of up in the air with it right now.

Mr. Salerno: It kind of has some significant impact.

Ms. Murphy: Yes. The queuing that you've got, if you make the assumption that it's insufficient, and I know that's not something that you agree with, but if you make the assumption, where would the backup go?

Mr. Vigneaux: Sam, do you want to talk about how this is going to be? We talk about the turn-in here and how this will be signalized. Sam, why don't you take it? Why don't we take it right back on Route 20 and how we see the traffic coming in here as well as routes and curb cuts?

Mr. Offei-Addo: If you just start from the intersection here, we have two ways which you can access this site. We understand that most of the people will be visiting this area, like say, in the morning and will be traveling in the eastbound direction. They will then take a right here and take a left through this curb opening.

Ms. Murphy: You would take a right onto Valente Drive and then a left onto the site?

Mr. Offei-Addo: Yes. Into the opening here or we have provided a storage area where somebody could ease into the site here. This was actually designed by Mass Highway. So, people can either enter that way or they can enter this way. To go through the drive-through, they can come through here and be in the queue or they can come in through here and be in this queue. Now, in terms of what an excess storage would be, we don't believe we're going to have the queue backing up this far, especially for that. There is a potential to have something similar on the site that will. It will split up the number of vehicles. Depending on the way that this is served, this will definitely not back up. If it does back up, we have over 44 spaces on this side. So, you have, I think, queuing space on this side where somebody coming in this area is already on the site. They can go in this way, but they can store on this side away from Route 20 and on Valente Drive. That is how the excess will be handled, on this side.

Ms. Murphy: So, you've got enough space to back up for how many vehicles?

Mr. Offei-Addo: Well, what we have is all this area here.

Ms. Murphy: I know what you have in the queue.

Mr. Gordon: What's the storage back there?

Mr. Offei-Addo: Over here?

Mr. Gordon: Yes.

Mr. Offei-Addo: This is the entire site here, entering here. If you really want to stack cars all this way, I mean you're talking over 30 cars that could do that over here.

Ms. Murphy: That's what I wanted to know.

Mr. Offei-Addo: I mean, there are lights on this side. I'm not sure people will be in the queue for donuts when they have other options down the road.

Ms. Murphy: Yes. My concern is that, if you did, how many cars could back up?

Mr. Vigneaux: I think we all feel that this is a pretty good scenario because it's not, for example, a standalone subway or it's not a standalone Dunkin Donuts which, obviously, I think generates a lot more business and traffic. The main business here on that side is, obviously, fuel service. This is an accessory to that.

Mr. Gordon: Excluding the Great American Tire, would you know if there is a site that I can compare this to? Is it like the new one that Shell built in Oxford, Massachusetts, or the one that Shell built in Worcester on Grove Street, which basically has got 3 islands, a Honey Farms, a D'Angelos and a donut place? This will be similar to that site?

Mr. Vigneaux: This would only have one, as far as we know. It's similar to the one in Worcester. Actually, the one right on Route 20. It has a Subway Shop and also a Honey Dew Donuts in there. This would only have one. We don't know if it's going to be a quick Subway or a quick donut. But, because of the fact that we know that, without getting into too much trouble here, there is something else that's very much a breakfast type of situation that is going to be built on this site, that we foresee this more likely to be a noon type scenario. So, in fact, given that, we wouldn't see the backing up like this at all because you don't have the same traffic generated.

Mr. Salerno: I know your concern is that it's a standalone versus a drive-through, but let me tell you, the Mobil up there has a Dunkin Donuts kiosk in it. If you drove through there in the morning, you wouldn't be able to locate a place. It's very congested and unorganized as it stands now up there. I mean, in the morning, if there's a Dunkin Donuts kiosk in there or a quick drive-through, I think you're going to attract a lot of contractors.

Mr. Vigneaux: I think a lot of people also will, obviously, stop for the gas in the morning. They park at the dispensers, walk in, pay for the fuel and, sometimes, pick up a donut and a cup of coffee that way. So, there would be some variation in traffic here as well.

Mr. Gordon: I would like to suggest, Mr. Chairman, that we don't get hung up on a brand name.

Mr. Salerno: On what?

Mr. Gordon: On a brand name. It may be a donut establishment, it may be a sandwich establishment, but to say that it's going to be a Dunkin Donuts, I don't think we need to focus on that.

Mr. Salerno: I don't have any concern whether it's Krispy Kreme, Dunkin Donuts or Honey Dew. It doesn't make any difference. We need to know how it will operate and what to expect.

Ms. Murphy: The representation that you're making is that it would be one quick serve restaurant. So, you would have no objection, then, to the board limiting it to one establishment?

Mr. Pappa: No.

Ms. Murphy: Well, my concern is that, if you find that there is sufficient space, you may end up with a Subway and a donut shop.

Mr. Pappa: I don't think that kind of standard program is even thought of for this.

Mr. Vigneaux: Yes. Again, going back to the one on Route 20 in Worcester, I know that you can go through the Honey Dew and get Honey Dew products at the window even though there's Subway there as well or something along those lines. But, you can't actually order sandwiches through the drive-through window. But, we're only going to have one such business at this location.

Mr. Salerno: Wouldn't it add to your plan, or at least conceptualizing this, if we knew what you were going to put in there. I mean, you talk about morning traffic and rush hour and one talked of a lunchtime operation. We don't know. Looking at this plan, it might suffice if there was a lunchtime quick drive-through, given the traffic in that area. It might not for a morning rush hour. But, it's hard for us, at least it's hard for me, to conceptualize the viability of this not knowing what it is exactly that is going to go in there. It's almost like you want approval for something there and then you'll determine what it is that's going to go in. Is this a format you're suggesting here that would fit any function for this property, be it a morning or an afternoon establishment?

Mr. Pappa: We believe it is, Mr. Chairman. However, with regard to that, we certainly will be filing a full traffic study with the planning board, if you do allow us to go to the next step. We have those all prepared. We do have queuing analyses that were completed. But, we haven't because Shell has not directed us as to what the particular quick serve retail will be. But, again, given the offset that we believe will be on site, we believe that the queuing is sufficient.

Mr. George: The only question that I have is people exiting the site. Are they just going east down Route 20?



Mr. Pappa: Yes.

Mr. Vigneaux: It's right in, right out only.

Mr. Gordon: So, Valente Drive is only right out at this point until there's a traffic light, which you've gotten an extension to put in until 2004, right?

Mr. Vigneaux: Yes. We didn't even ask for it, Mr. Gordon. In fact, they re-issued the permits until July of 2004.

Mr. Alarie: Was it not a condition of the previous granting that there be no construction until the signals are installed?

Mr. Gordon: Yes.

Mr. Alarie: So, the potential is to go back out onto Valente Drive and be able to go either eastbound or westbound on Route 20 when the light is installed.

Mr. Vigneaux: Well, no. This facility will not be constructed until the signals are placed.

Mr. Alarie: That's what I'm saying.

Mr. Vigneaux: Correct. It won't be occupied. I don't know that it said that you could not build anything on the site.

Mr. Alarie: Correct. But, I thought Mr. Gordon was alluding to the possibility that perhaps you had an extension on the installation of the lights until 2004?

Mr. Vigneaux: Oh, yes. Again, Mr. Alarie, the Mass Highway offered that on their own. We still have every intention of getting that light in as quickly as possible and that will be first and foremost. It hasn't gone as quickly as we would have wanted it to, but by the spring we hope to get started with that. The board has made it very clear to us that there'll be no occupancy of the buildings on this site until that signals are in place and we acknowledge that.

Mr. Gordon: In fact, the principals of Boston Hill have written us that there will be no construction in Northboro or Westboro as well. So, the whole road will be empty until we get this thing done, unless there are variances given or waivers given.

Mr. George: If, for some reason, the carwash backs up or the drive-through backs up out onto Valente Drive, where will the cars go? Will they go up Valente Drive or will they come out towards Route 20?

Mr. Offei-Addo: Well, we have it here now. We end the calculating that we're showing up to this point. We have room, if it becomes necessary, for them to back up this way.

Mr. George: Will it create a problem if cars are coming in off Route 20 into Valente Drive trying to get into the site?

Mr. Offei-Addo: One thing that we have not shown on this plan is that it is going to be part of the overall signalization at this intersection. This location is tied into this on Route 20 and Valente Drive. We're going to hatch out this location here and have this sign, which incidentally is not a usual black and white sign, it's what is called a "blackout sign" and it is a lighted sign that would be tied to the traffic signals here. When the light goes red on this approach, the sign will light. You will have a red sign that says "Do Not Block Driveway." So, it will go blank, that's black like this, if you have this approach here. So, we believe that with that sign at this location here and this hatch out area here, this space will be left open so that people who were coming this way or wanted to go in wouldn't have to backup onto Route 20.

Mr. George: I understand that. But, my concern is people coming in off of Route 20 going into the store. Where are they going to stop?

Mr. Offei-Addo: They can go down here and turn. There's another opening. There's a second opening here. So, they can do that from here or go straight from Valente Drive.

Mr. Pappa: And they can enter from here as well. You can come in the back.

Mr. Gordon: I think, pragmatically also, we should be aware that Westboro has already granted permits for a drive-through less than a quarter, a washing less than a quarter of a mile away coming east on Route 9, where the old Willy's is. That's already been granted. I think if any driver saw one to many cars...

Mr. George: That's a divided highway right here. This is not a divided highway over here. These are just my concerns.

Mr. Vigneaux: Yes. Well, are you concerned about people trying to enter from the opposite direction? If you're coming westbound you can't get in here, another way then would be to come to the signal and go in here.

Mr. George: Right.

Mr. Vigneaux: You can't come in here.

Mr. George: Right. My only concern was that the traffic that did come up onto Valente Drive and the cars coming off of Route 20, if that is full, where are the cars going to go? That was my only concern. If you have signs, I guess that will take care of the problem.

Mr. Vigneaux: Yes. This would be kept open at all times. That was certainly a concern of the town engineers as well.

Mr. Salerno: What's to prevent somebody from turning from Route 20 westbound?

Mr. Vigneaux: Doing this?

Mr. Salerno: From Route 20 westbound there. What's to prevent them from entering in the center?

Mr. Vigneaux: From Route 20 westbound, coming in here and then going in there?

Mr. Salerno: Yes.

Mr. Vigneaux: Well, there'll be a sign that you can't do that.

Mr. Offei-Addo: Who would do that?

Mr. Vigneaux: The way that the curbs are designed prevents that.

Mr. Offei-Addo: There will be a do not enter sign here. Then you have to come around over to here.

Mr. Salerno: That's my concern. If there are cars exiting from there, what's to prevent a car westbound from coming in the very first easterly opening?

Mr. Offei-Addo: But you have 2 lanes going in and 2 lanes coming this way.

Mr. Salerno: Two lanes eastbound?

Mr. Vigneaux: That's an exit lane.

Mr. Salerno: Right.

Mr. Vigneaux: Exit only. So, your concern is that someone would come in here?

Mr. Salerno: Yes.

Mr. Rosen: Where's the signage?

Mr. Offei-Addo: The sign says "Do Not Enter."

Mr. Salerno: Are they going to be DPW signs or are they going to be your signs?

Mr. Vigneaux: No, it's going to be according to Mass Highway signage.

Mr. Offei-Addo: Yes. It's going to be a Mass Highway sign.

Mr. George: So, one is entrance and one is exit. What will keep someone going westbound from going into the enter side here?

Mr. Offei-Addo: There's also a "Keep Right" sign.

Mr. George: Yes, but coming westbound.

Mr. Vigneaux: Coming westbound and flipping over?

Mr. Offei-Addo: Coming this way?

Mr. Vigneaux: Right. People might do anything, but we would have the signage there that indicates the proper movements.

Mr. Offei-Addo: This island is supposed to prevent certain movements, but someone who's bent on doing it can try and do it. This is a stretch out here. Hopefully you will be sitting out here and people will find it easier to use the signal to come in and enter because the signal provides a safer passage than trying to cut across here. This is also like the crest of a hill, so you want to use this.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

### Decision

On October 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Steve Pappa, c/o ServiceStar Development Company, 5670 Greenwood Plaza Blvd., Suite 300, Greenwood Village, CO, for a special permit as required by Section VI, Table I, of the Town of Shrewsbury Zoning Bylaw, and a variance to Section VII, Table II, Commercial Business District, Footnote Number 6, to allow the use of a drive-through food service window upon property located at 936 Hartford Tpke. and to eliminate the installation of sidewalks adjacent to the sideline of Hartford Tpke. in conjunction with the development of said property.

On August 26, 2003, the appellant was granted a special permit and a dimensional variance to allow the construction of a convenience store, a canopy to protect multi-product gasoline dispensers, a car wash facility and an automotive tire center upon the subject premises. In conjunction with the development of this site for said purposes, a drive-through food service window would be provided as part of the operation of the convenience store. It is also requested that the internal sidewalks required along the Route 20 frontage landscape buffer not be installed.

With respect to the use of a drive-through food service widow, the board found this proposal to be consistent with the overall concept for the development of this site and that there was ample room upon the premises to accommodate the vehicular traffic utilizing this service. They found that, as presented and designed, this ancillary use complied with the intent of the bylaw in permitting such drive-through services within the Commercial Business District and that it would not create any condition which would be harmful or detrimental to the welfare of the general public.

In considering the appeal for a variance to Footnote Number 6 of Table II, the board found that, due to the configuration of the Route 20 corridor and the lack of sidewalk system therein, there was no practical need to include a sidewalk along the frontage of this site. It was their opinion that, in this instance, the literal application of this provision of the Zoning Bylaw would impose a hardship to the appellant and that the elimination of the sidewalk would promote, rather than create a condition adverse to, public safety.

Finding that this proposal satisfied the statutory requirements for the issuance of a special permit and the relief requested, it was, therefore, unanimously voted to grant the appeal as presented to the board and subject to the conditions set forth below.

1. The use of the drive-through window shall be limited to the sale of food items that do not require cooking or baking upon the premises, other than coffee and similar beverages.
2. The use of the drive-through window shall be limited to one food vendor.
3. The rights authorized by this granting shall be subject to all terms and conditions set forth in the board's decision of August 26, 2003 relative to the aforementioned development of this site.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes